

<b>I. REAL PARTY IN INTEREST .....</b>	<b>1</b>
<b>II. RELATED APPEALS AND INTERFERENCES .....</b>	<b>1</b>
<b>III. STATUS OF CLAIMS.....</b>	<b>2</b>
<b>IV. STATUS OF AMENDMENTS.....</b>	<b>2</b>
<b>V. SUMMARY OF CLAIMED SUBJECT MATTER.....</b>	<b>2</b>
<b>VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL.....</b>	<b>3</b>
<b>VII. ARGUMENT.....</b>	<b>4</b>
<b>VIII. CLAIMS APPENDIX .....</b>	<b>10</b>
<b>IX. EVIDENCE APPENDIX .....</b>	<b>16</b>
<b>X. RELATED PROCEEDINGS APPENDIX .....</b>	<b>17</b>

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of	:	Customer Number: 46320
	:	
Alex TSUI, et al.	:	Confirmation Number: 3011
	:	
Application No.: 10/730,656	:	Group Art Unit: 2163
	:	
Filed: December 8, 2003	:	Examiner: A. Lie
	:	
For: UNIFIED LOGGING SERVICE FOR DISTRIBUTED APPLICATIONS	:	

**APPEAL BRIEF**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed March 29, 2007, and in response to the Examiner reopening prosecution in the Office Action dated July 16, 2007, wherein Appellants appeal from the Examiner's rejection of claims 1-15 and 19-25.

**I. REAL PARTY IN INTEREST**

This application is assigned to IBM Corporation by assignment recorded on December 8, 2003, at Reel 014802, Frame 0041.

**II. RELATED APPEALS AND INTERFERENCES**

Appellants are unaware of any related appeals and interferences.

### **III. STATUS OF CLAIMS**

Claims 1-15 and 19-25 are pending and three-times rejected in this Application. Claims 16 and 17 have been cancelled, and claim 18 was inadvertently omitted from the originally-filed application. It is from the multiple rejections of claims 1-15 and 19-25 that this Appeal is taken.

### **IV. STATUS OF AMENDMENTS**

The claims have not been amended subsequent to the imposition of the Third Office Action dated July 16, 2007 (hereinafter the Third Office Action).

### **V. SUMMARY OF CLAIMED SUBJECT MATTER**

Referring to Figure 4 and also to independent claims 1 and 19, a method of providing a unified logging service is disclosed. The method is for use in a network having a plurality of nodes capable of generating event logs, and the unified logging service has a unified log server and repository. In step 304, an event log file of a first log type and structure associated with a sending node is converted into a predefined format (lines 3-8 of paragraph [0052] of Appellants' disclosure). In step 310, the converted event log file is transmitted over the network to the unified log server (lines 12-13 of paragraph [0052]). In step 312, the converted event log file is received by the unified log server (lines 13-14 of paragraph [0052]). In step 316, the log type of the converted log file is determined and the converted log file is routed to a log handler compatible with the log type and the predefined format (lines 16-18 of paragraph [0052]). In step 320, a receiving node compatible with the log type for the converted event log file is identified, and the converted event log file is forwarded from the log handler to the identified receiving node (lines 18-20 of paragraph [0052]).

1 Referring to Figure 3 and also to independent claims 9 and 11, a system for providing a  
2 unified logging service is disclosed. A sending node 30 includes a first structure, and an event  
3 log file 32 having a first log type associated with the sending node 30 (lines 1-8 of paragraph  
4 [0044]). A log adapter 36 for the sending node 30 converts the event log file 32 from the first  
5 structure to a predefined format (lines 6-7 of paragraph [0046]). The converted event log file is  
6 transmitted across the network and received at unified logging server 50 [lines 1-2 of paragraph  
7 [0046]). A log processor 54 determines the log type of the converted event log file and a log  
8 handler 58, 60, 62 suitable for the log type to which the converted event log file is to be  
9 forwarded (lines 1-6 of paragraph [0047]). A receiving node 38, 48 for the converted event log  
10 file is identified and the converted event log file is forwarded to the identified receiving node 38,  
11 48 (lines 1-5 of paragraph [0050]).

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

1. Claims 1, 4-11, 13, 15, 19, and 22-25 were rejected under 35 U.S.C. § 102 for anticipation based upon Hirata et al., U.S. Patent No. 6,219,701 (hereinafter Hirata); and

2. Claims 2-3, 12, 14, and 20-21 were rejected under 35 U.S.C. § 103 for obviousness based upon Hirata in view of Sullivan et al., U.S. Patent Publication No. 2004/0172284 (hereinafter Sullivan).

**VII. ARGUMENT**

**THE REJECTION OF CLAIMS 1, 4-11, 13, 15, 19, AND 22-25 UNDER 35 U.S.C. § 102 FOR  
ANTICIPATION BASED UPON HIRATA**

For convenience of the Honorable Board in addressing the rejections, and claims 4-11, 13, 15, 19, and 22-25 stand or fall together with independent claim 1.

The factual determination of anticipation under 35 U.S.C. § 102 requires the identical disclosure, either explicitly or inherently, of each element of a claimed invention in a single reference.<sup>1</sup> As part of this analysis, the Examiner must (a) identify the elements of the claims, (b) determine the meaning of the elements in light of the specification and prosecution history, and (c) identify corresponding elements disclosed in the allegedly anticipating reference.<sup>2</sup> This burden has not been met.

**Claim 1**

Independent claim 1 recites, in part, the following limitations:

determining the log type of the converted log file and routing the converted log file to a log handler compatible with the log type and the predefined format.

To teach this limitation the Examiner asserted the following on page 3 of the Third Office Action:

---

<sup>1</sup> In re Rijckaert, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); Lindermann Maschinenfabrik GMBH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984).

<sup>2</sup> Lindermann Maschinenfabrik GMBH v. American Hoist & Derrick Co., *supra*.

determining the log type of the converted log file (Figure 10B, element 1016) and routing the converted log file to a log handler compatible with the log type and the predefined format (Figure 5, step 610). (the Examiner's analysis underlined)

Regarding the claimed "determining the log type of the converted log file," the Examiner relied upon "element 1016" of Fig. 10B. A discussion of "element 1016" is found in column 11, lines 49-56 of Hirata, which is reproduced below:

As indicated in FIG. 10B to FIG. 10D, an operation definition table 1002 is constituted by a common table 1003 arranged by an identifier 1016 of operation god definition information, a name (1017) of a computer to be defined, and a sort (1018) of operation definition information; and also operation definition detailed tables 1004 to 1005 corresponding to the respective sorts (1018) of the operation definition information.

After reviewing the above-reproduced passage regarding identifier 1016 and Fig. 10B, Appellants are unclear as to the Examiner's basis for asserting that this teaching identically discloses the claimed "determining the log type of the converted log file." Comparing Fig. 10B with Fig. 10A, it appears that feature 1016 (i.e., "Operation Definition Information Identifier") in Fig. 10B is identical to feature 1014 in Fig. 10A. Column 11, lines 41-43 further clarifies that "identifier 1014 is an identifier of operation definition information on which administrate operation where this information is produced is defined." These cited teachings, however, are silent as to determining the log type of the converted log file. Appellants also note that the Examiner has failed to provide a claim construction for the elements in this phrase that supports the Examiner's conclusion that the claimed phrase is identically disclosed by "Figure 10B, element 1016" of Hirata.

Regarding the claimed "routing the converted log file to a log handler compatible with the log type and the predefined format," the Examiner relied upon Figure 5, and step 610. A

discussion of "step 610" is found in column 7, line 66 through column 8, line 9 of Hirata, which is reproduced below for ease of reference:

As indicated in FIG. 5, in such a case that either the event information or the log information notified from the administrative operation unit is equal to a preselected sort of information which should be notified to the managing computer 401, the normalizing unit 210 owned by the integrated management agent 113 in each of the computers 402 to 407 converts this event, or log information into a common format to which a discrimination of event/log information is added. Then, the converted common format is notified by the event/log notifying unit 211 to the managing computer 401 (step 610).

The phraseology used by Hirata in this above-reproduced paragraph is awkward. However, referring also to Fig. 3, Hirata essentially teaches that upon certain event information arising from a certain control unit (i.e., 110, 111, 112) meeting a certain criteria, the normalizing unit 210 converts the event (or log information) into a common format. The event, now converted into a common format, is then forwarded by the event/log notifying unit 211 to the managing computer 401.

What is notable about the Examiner's analysis is that these same teachings (i.e., column 8, lines 1-6) were relied upon by the Examiner to teach the claimed "converting an event log file of a first log type and structure associated with a sending node into a predefined format." By relying on this same teaching to teach the claimed "routing the converted log file to a log handler compatible with the log type and the predefined format," the Examiner impermissibly manufactured two separate teachings (so as to identically disclose two separate claim limitations) from only a single teaching.

Moreover, the Examiner's cited teaching of "step 610" does not identically disclose the claimed "routing the converted log file to a log handler compatible with the log type and the predefined format." As claimed, the log handler is compatible with "the log type," which the

Examiner previously asserted as being identically disclosed by "element 1016." However, a recognition of element 1016 is completely absent from the teachings associated with step 610. Thus, the Examiner has failed to establish that Hirata identically discloses all of the claimed limitations within the meaning of 35 U.S.C. § 102.

**THE REJECTION OF CLAIMS 2-3, 12, 14, AND 20-21 UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON HIRATA IN VIEW OF SULLIVAN**

For convenience of the Honorable Board in addressing the rejections, and claims 2-3, 12, 14, and 20-21 stand or fall together with independent claim 1.

Claims 2-3, 12, 14 and 20-21 depend ultimately from independent claims 1, 11, and 19, and Appellants incorporate herein the arguments previously advanced in traversing the imposed rejection of claims 1, 11, and 19 under 35 U.S.C. § 102 for anticipation based upon Hirata. The secondary reference to Sullivan does not cure the argued deficiencies of Hirata. Accordingly, even if one having ordinary skill in the art were motivated to modify Hirata in view of Sullivan, the proposed combination of references would not yield the claimed invention. Appellants, therefore, respectfully submit that the imposed rejection of claims 2-3, 12, 14, and 20-21 under 35 U.S.C. § 103 for obviousness based upon Hirata in view of Sullivan is not viable.

**Conclusion**

Based upon the foregoing, Appellants respectfully submit that the Examiner's rejections under 35 U.S.C. §§ 102, 103 based upon the applied prior art is not viable. Appellants, therefore,



Application No.: 10/730,656

- 1 respectfully solicit the Honorable Board to reverse the Examiner's rejection under 35 U.S.C. §§ 102,
- 2 103.
- 3

Application No.: 10/730,656

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. §§ 1.17, 41.20, and in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: October 16, 2007

Respectfully submitted,

/Scott D. Paul/

Scott D. Paul

Registration No. 42,984

Steven M. Greenberg

Registration No. 44,725

Phone: (561) 922-3845

CUSTOMER NUMBER 46320

## **VIII. CLAIMS APPENDIX**

1. A method of providing a unified logging service, for use in a network having a plurality of nodes capable of generating event logs, wherein said unified logging service having a unified log server and repository, comprising the steps of:

converting an event log file of a first log type and structure associated with a sending node into a predefined format;

transmitting the converted event log file over the network to the unified log server;

receiving the converted event log file by the unified log server;

determining the log type of the converted log file and routing the converted log file to a log handler compatible with the log type and the predefined format;

identifying a receiving node compatible with the log type for the converted event log file, and forwarding the converted event log file from the log handler to the identified receiving node.

2. The method of claim 1, further comprising the step of:

acknowledging receipt of the converted event log file by the identified receiving node to the sending node.

3. The method of claim 2, further comprising the step of:

converting the acknowledgement to the predefined format.

4. The method of claim 1, further comprising the step of:

storing the converted log file in the repository.

5. The method of claim 1, wherein the predefined format comprises a unified logging format including a header and a body.

6. The method of claim 5 wherein the header contains information comprising:

a server identifier;

a log system identifier;

a log type identifier; and

a log create timestamp.

7. The method of claim 5 wherein the body contains transaction information as defined by the unified logging service, comprising:

a message portion, wherein the message portion is further defined by fields specific to the log type; and

a time stamp portion.

8. A computer readable storage medium tangibly embodying programmed instructions for performing the method of any of claims 1 to 7.

9. An apparatus for providing a unified logging service, comprising:

a unified logging server;

means for receiving an event log file at the unified logging server;

a log adapter for converting the event log file from a first structure to a predefined format;

means for determining a log type of the converted event log file and a log handler suitable for the log type;

means for forwarding the converted event log file to the log handler;

means for identifying a receiving node;

means for forwarding the converted event log file to the identified receiving node.

10. The apparatus of claim 9 further comprising:

a repository; and

means for storing the converted log file in the repository.

11. A system for providing a unified logging service comprising:

a sending node having a first structure;

an event log file having a first log type associated with the sending node;

a log adapter for the sending node for converting the event log file from the first structure to a predefined format;

means for transmitting the converted event log file across the network to a unified logging server;

means for receiving the converted event log file at the unified logging server;

means for determining the log type of the converted event log file and a log handler suitable for the log type;

means for forwarding the converted event log file to the log handler;

means for identifying a receiving node for the converted event log file;

means for forwarding the converted event log file to the identified receiving node.

12. The system of claim 11 further comprising:

means for acknowledging receipt of the converted event log file by the identified receiving node to the sending node.

13. The system of claim 11 further comprising:

a log adapter for the receiving node for converting the predefined format to an event log file of the first structure.

14. The system of claim 12 further comprising:

means for converting the acknowledgement to the predefined format.

15. The system of claim 11 further comprising means for storing the converted log file in the repository.

19. An article of manufacture comprising a processor useable medium having a processor readable program embodied in said medium, wherein the processor readable program when executed on or more processors causes the processors to:

convert an event log file of a first log type and structure associated with a sending node into a predefined format;

transmit the converted event log file onto a network to a unified log server;

receive the converted event log file by the unified log server;

determine the log type of the converted log file and rout the converted log file to a log handler compatible with the determined log type and the predefined format;

identify a receiving node compatible with the log type for the converted event log file, and forward the converted event log file from the log handler to the identified receiving node.

20. The article of manufacture of claim 19, wherein the processor readable program causes one or more processors to:

acknowledge receipt of the converted event log file by the identified receiving node.

21. The article of manufacture of claim 20, wherein the processor readable program causes one or more processors to:

convert the acknowledgement to the predefined format.

22. The article of manufacture of claim 19, wherein the processor readable program causes one or more processors to:

store the converted log file in the repository.

23. The article of manufacture of claim 19, wherein the predefined format comprises a unified logging format including a header and a body.

24. The article of manufacture of claim 23, wherein the header contains information comprising:

- a server identifier;
- a log system identifier;
- a log type identifier; and
- a log create timestamp.

25. The article of manufacture of claim 23, wherein the body contains transaction information as defined by the unified logging service, comprising:

- a message portion, wherein the message portion is further defined by fields specific to the log type; and
- a time stamp portion.



**IX. EVIDENCE APPENDIX**

No evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the Examiner has been relied upon by Appellants in this Appeal, and thus no evidence is attached hereto.

**X. RELATED PROCEEDINGS APPENDIX**

Since Appellants are unaware of any related appeals and interferences, no decision rendered by a court or the Board is attached hereto.